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November 18, 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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FEDERAL EXPRESS

NOV 19 1992

Donna Searcy, Secretary
Federal Communications Commission
1919 M Street NW Room 222
Washington, D.C. 20554

FCC MAIL BRANCH

Re: MM Docket No. 92-111, Healdsburg, CA

Dear Ms. Searcy:

Enclosed for filing are an original and 15 copies of Healdsburg Broadcasting, Inc.'s Opposition to Request For Expedited Consideration of Appeal or, Alternatively, Motion to Stay. Please return the extra copy to the undersigned, date-stamped, in the enclosed self-addressed stamped envelope. In addition, there is enclosed a courtesy copy for John Riffer, Esq., Associate General Counsel in Room 610.

Should you have any questions concerning Healdsburg Broadcasting, Inc., please contact the undersigned.

Very truly yours,


Peter A. Casciato
Attorney for Healdsburg Broadcasting Inc.

enclosures

cc: Michale & Julia Akana
w/encl.

PAC:sc

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BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC

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In re Applications of)
Deas Communications, Inc.,)
et al.)

MM Docket No. 92-111

File Nos. BPH-910208MB
et al.

FCC MAIL BRANCH

For A Construction Permit)
For A New FM Station on)
Channel 240A)
Healdsburg, California)

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To: The Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

OPPOSITION TO REQUEST FOR EXPEDITED CONSIDERATION OF APPEAL OR,
ALTERNATIVELY, MOTION TO STAY

Healdsburg Broadcasting, Inc. ("HBI"), by its attorney, hereby opposes the Request for Expedited Consideration of Appeal Or, Alternatively, Motion for Stay of Deas Communications, Inc. ("Deas") dated November 6, 1992. The instant Deas motion is an unauthorized pleading just as its attempted "Application For Review," dated October 13, 1992 was an unauthorized pleading under Section 1.301(a). See HBI Opposition thereto filed October 28, 1992. In its November 13, 1992 Opposition to the Deas request, the Bureau recognizes the invalidity of this latest extra procedural attempt by Deas by opposing it and noting that Deas does nothing in its latest pleading other than to recite the stay criteria from applicable precedent.

HBI will not repeat this argument, which it endorses. However, HBI does note that the Bureau is wrong, as is Deas, in its statement that Deas is likely to prevail on the merits in this matter. Quite the contrary, the Review Board's Order, Memorandum Opinion and Order, FCC 92R-82 released October 21, 1992 is well grounded in applicable statutory procedural due

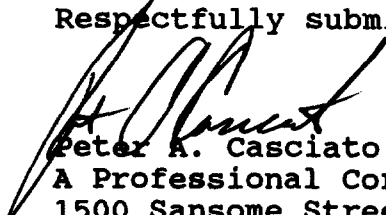
process requirements as well as substantive policy and law, warranting no other conclusion than that reached by the Board. See HBI October 21, 1992 Opposition at 2-5 e.g. Malkan FM Associates v. FCC, 935 F.2d 1313 (D.C. Cir. 1991); Salzer v. FCC, 778 F.2d 869 (D.C. Cir. 1985); Marin TV Services Partners, Ltd. v. FCC, 936 F.2d 1304 (DC Cir. 1991).

Deas' scheduling complaints are either moot or manageable. Deas has agreed to depositions the week of November 30, 1992 in California where all of its principals reside as do HBI's. HBI is willing to join in a motion with Deas to request that a hearing be held early in January, 1993 rather than the last week of December, 1992. In addition, there is always the possibility that the hearing will be reduced to a paper proceeding if the parties mutually agree to use the depositions in lieu of hearing testimony.

Conclusion

Thus, for all the foregoing reasons HBI opposes the Deas stay request and continues its opposition to the procedurally infirm "Application For Review" filed by Deas on October 13, 1992.

Respectfully submitted,


Peter A. Casciato
A Professional Corporation
1500 Sansome Street Suite 201
San Francisco, CA 94111
(415) 291-8661

November 18, 1992

Attorney for Healdsburg
Broadcasting, Inc.

CERTIFICATE OF SERVICE

I, Peter A. Casciato, certify that the following is true and correct:

I am employed in the City and County of San Francisco, California, am over the age of eighteen years, and am not a party to the within entitled action:

My business address is: 1500 Sansome St., Suite 201, San Francisco, California 94111.

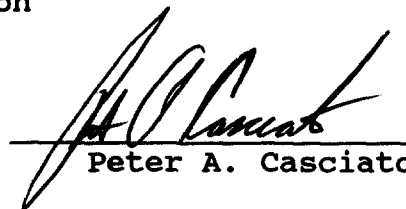
On November 18, 1992, I served the attached Opposition to Request For Expedited Consideration of Appeal or, Alternatively, Motion to Stay by causing true copies thereof, enclosed in sealed envelopes with postage thereon fully prepaid, to be placed in the United States Post Office mail box at San Francisco, California, addressed to the following listed people:

Hon. Edward J. Kuhlmann
Administrative Law Judge
Federal Communications Commission
2000 L Street, NW Room 220
Washington, DC 20036

Lawrence Bernstein
Brinig & Bernstein
1818 N Street, NW, Suite 200
Washington, DC 20036
Attorney for Deas Communications, Inc.

Jerome S. Silber
Rosenman & Colin
575 Madison Avenue
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John I. Riffer, Esq.
Associate General Counsel-Adjudication
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Peter A. Casciato